

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CHAD BARRY BARNES,

Plaintiff,

v.

SEA HAWAII RAFTING, LLC;
KRIS HENRY; ALOHA OCEAN
EXCURSIONS, LLC; JOHN
DOES 1-20; MARY DOES
1-20; DOE CORPORATIONS
1-20; DOE PARTNERSHIPS
1-20; DOE ASSOCIATES
1-20; DOE GOVERNMENTAL
AGENCIES 1-20; AND OTHER
ENTITIES 1-20, in personam;
AND M/V TEHANI, HA 1629-CP,
AND HER ENGINES, EQUIPMENT,
TACKLE, FARES, STORES,
PERMITS, FURNISHINGS, CARGO
AND FREIGHT; DOE VESSELS 1-20,
in rem.

Defendants.

Civ. No. 13-00002 ACK-RLP

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION

On October 5, 2018, this Court issued its Amended Findings of Fact and Conclusions of Law, in which it held that Defendants Sea Hawaii`i Rafting, LLC and the M/V Tehani vessel are liable for Plaintiff Barnes's reasonable attorneys' fees and costs. See ECF No. 446 at Conclusions of Law ¶¶ 44, 45.

On January 4, 2019, the Magistrate Judge filed his "Findings and Recommendation to Grant in Part and Deny in Part Plaintiff's Motion for Attorney's Fees and Costs" (the "F&R").

ECF No. 493. Plaintiff Barnes requested attorneys' fees in the amount of \$323,799.00 and costs and non-taxable expenses in the amount of \$31,963.16. F&R at p. 1. The Magistrate Judge recommended that this Court award Plaintiff Barnes attorneys' fees in the reduced amount of \$206,281.00 and costs and non-taxable expenses in the reduced amount of \$27,124.44. F&R at p. 19. No party has filed any objection to the F&R and the deadline by which to do so, January 18, 2019, has passed.

The Magistrate Judge recommended a reduced award of attorneys' fees for various reasons, including that several of the requested rates were excessive; Plaintiff Barnes's counsel used block billing practices; and several time entries billed excessive amounts of time or were duplicative of other time entries. See F&R at pp. 3-16. The Magistrate Judge recommended a reduced award of costs and non-taxable expenses because several cost requests were duplicative or unspecified, while others were unrelated to this case. See F&R at pp. 17-19.

The Court has carefully reviewed the F&R, the parties' papers, and the various exhibits in support of Plaintiff Barnes's attorneys' fees and costs requests, and finds that the Magistrate Judge's recommended reductions are appropriate, and that awards of \$206,281.00 in attorneys' fees and \$27,124.44 in costs and non-taxable expenses are reasonable.

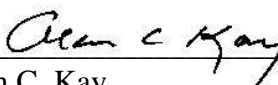
For the foregoing reasons, IT IS HEREBY ORDERED AND

AJUDGED that, pursuant to Title 28 U.S.C. 636(b)(1)(C) and Local rule 74.2, the "Findings and Recommendation to Grant in Part and Deny in Part Plaintiff's Motion for Attorney's Fees and Costs" are adopted as the opinion and order of this Court.

IT IS SO ORDERED.

DATED: Honolulu, Hawai'i, February 13, 2019.





Alan C. Kay
Sr. United States District Judge

Barnes v. Sea Hawai'i Rafting, LLC, Kris Henry, M/V Tehani, et al., Civ. No. 13-00002 ACK-RLP, Order Adopting Magistrate Judge's Findings and Recommendation.